

FILED
OFFICE OF THE CLERK
2018 SEP 11 AM 11:00
IN THE BARBERTON MUNICIPAL COURT
BARBERTON, OHIO

STATE OF OHIO

Plaintiff

v.

MARYBETH FOSTER

Defendant

) CASE NO. CRB1702131K
)
)
) JUDGE TODD McKENNEY
)
) **ORDER**
)
)
)

This matter comes before the Court upon joint motions to appoint a Special Prosecutor in the above captioned matter and Defendant's Petition for Probable Cause inadvertently filed under the above captioned matter. Upon due consideration and for cause shown the Court finds and ORDERS as follows:

1. June 19, 2018, Defendant filed, *inter alia*, her Motion to Withdraw Plea, Request for Hearing, and Request for Appointment of Special Prosecutor. The Motion to Withdraw Plea was initially scheduled for hearing September 5, 2018 and this Court took Defendant's Motion for Special Prosecutor under advisement.

August 9, 2018, the State of Ohio filed its Motion to Withdraw and to Appoint Special Prosecutor and this Court granted said motion with its Marginal Order dated August 15, 2018. The Court sought special counsel from the Ohio Attorney General's Office, however, was unable to secure assistance. This Court, subsequently, was successful in securing assistance from the City of Stow Law Department.

2. July 9, 2018 Defendant, MARY BETH FOSTER, filed as Petitioner her Petition for Probable Cause with the assistance of counsel for Defendant. The Petition for Probable Cause was inadvertently captioned under the matter *State of Ohio vs. Mary Beth Foster* with the above captioned case number. Such application, as captioned, is improper under the

Exhibit B

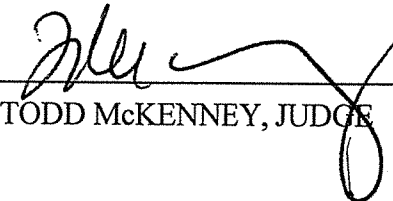
case at bar and cannot be addressed within. Counsel for Petitioner is instructed to resubmit, as desired, under a generic *In Re*: caption without case number for further proceedings according to law.

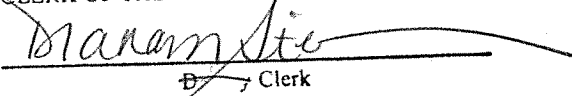
WHEREFORE IT IS HEREBY ORDERED ADJUDGED AND DECREED, that the motions to Appoint Special Prosecutor are GRANTED. The CITY OF STOW LAW DEPARTMENT, by agreement, is hereby appointed to serve as Special Prosecutor on behalf of the State of Ohio to handle all such motions and matters that henceforth come before the Court in the above captioned matter.

IT IS FURTHER ORDERED the hearing on Defendant's Motion to Withdraw Plea originally scheduled for September 5, 2018 is hereby **CONTINUED**. The matter shall come before the Court for hearing on **September 27th, 2018 at 930am**

IT IS SO ORDERED.

Dated: 9/4/18


TODD MCKENNEY, JUDGE

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT
COPY OF Order FILED IN
THE BARBERTON MUNICIPAL COURT OF BARBERTON, OHIO
ON Sept 11, 20 18.
CLERK OF THE BARBERTON MUNICIPAL COURT, BARBERTON, OHIO

Clerk